By an Expreſs further from *Holland* we hear, that Pr. *Rupert* is dayly expected, in regard he wrote Letters not long ſince to his mother, intimating, That he would haſten as ſoon as he could hear of his brother *Maurice*, with thoſe 11 ſhips that were carryed away by the *Hurricano*. His own Letters ſay, that he himſelf and one more was not in it: What is becomne of the reſt, the Lord knows.

The Duke of *Loran* is advancing towards the frontiers of the Netherlands, and is reſolved now to pay them in their own coyn, and diſpute their Authority by fiery Arguments. The Arch-Duke playes the Game as round as a ball, and is reſolved to give them a notable Cut for their diſobedient ſhuffling: no leſs then 30000 fighting men are deſigned for the field; beſides a great fleet at ſea. Nay further, his Majeſty of *Spain* is like to appear more formidable in the field this year againſt King *John* of *Portugal*, then ever he hath done formerly.

But again, King *John* is making preparations to receive him, and hath given commiſſion to his ſon *Charles*, as Capt. General, to fight him upon the Frontiers.

We have received advertiſements, that the Counties of *Kent* and *Eſſex* have ſet forth a Declaration, in teſtimony of their good affection towards this Commonwealth, and as a demonſtration thereof, have publiſhed an Order in all pariſh Churches, inciting the people freely to contribute towards the relief of the wounded ſea-men and ſouldiers, that ingaged in the laſt memorable conflict againſt the *Hollanders*.

An Engliſh ſhip from Malago laden with Fruits and Wines, with 14 gims, was ſet upon by a Dutch man of war, but oppoſed; and being boarded by the Dutch, by creſs-bar ſhot killed 20, and wounded many more, and with the loſs of two men got cleer off, and returned back ſafe to Malago.

Licenſed according to Order.

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THE DOWN-FALL OF THE Vnjuſt Lawyers, WITH THE Monopolizing Officers,

Who have devoured much of the Wealth of this NATION;

AND THE

RISING of the JUST.

Written and Propoſed in order to the Aboliſhing the Chargeableneſſe of proceedings in Law-Suits.

By EDMUND LEACH of *London*, MERCHANT.

March. 15.

LONDON, Printed by *E. Cotes*, in the Year 1652.

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The Downfall of Unjuſt Lawyers, &c.

I For compelling of Defendants ſpeedily to anſwer, when the Plaintiffs Witneſſes be ſick, or going beyond Sea, and ſuch Witneſſes immediately to be examined.

WHereas divers people of this Nation having had their only Witneſſes to prove their juſt Rights and Titles to, and in divers Mannors, Meſſuages, Lands and Tenements; and many juſt debts, duties and demands due, and owing to them, and other Rights, very ſick and weak, and ſome of them in ſeverall diſtinct places far remote the one from the other of them, and from the Cities of *London* and *Weſtminſter*, and other like to die, and other within ſome few dayes to depart this Nation, and to ſail, paſſe, or travell into parts beyond the Seas (and there to inhabit and reſide) before ſuch people could procure any proceſſe to compell, or procure ſuch party or parties againſt whom ſuch proof was to be made to appear, and to force his, or their anſwer to any Bill, or Complaint in any Court, proper for ſuch proof to be made in, have loſt the benefit of the teſtimony of ſuch Witneſſes, and with them divers Mannors, Meſſuages, Lands and Tenements, Debts and Duties, by reaſon of the death of divers of ſuch witneſſes, and the departure of others out of this Nation before the benefit of their teſtimony hath been, or could be obtained.

It is propoſed to be deſired, for remedy thereof, that it may

Be Enacted, That any perſon, deſiring for him or them, againſt any other or others to have any witneſſe or witneſſes examined, which be ſickly, or infirme, or intending to take a voyage, or paſſe, or travaile beyond Sea; and that it ſhall be generally feared of moſt of the acquaintance of ſuch ſickly or infirm witneſſe or witneſſes, that he or they be not like to live and continue in their perfect ſenſes and underſtandings by the ſpace of——dayes, or ſome other time by the Supreme Authority of this Nation to be thought convenient in that behalf, or that it ſhall be reported, that any ſuch witneſſe or witneſſes intend, and that they be preparing for, or for an accommodation for ſuch voyage, paſſage or travail within ſuch time, and this to be made appear upon Oath of ſuch perſon as is mentioned in other Propoſalls formerly publiſhed, that then ſuch perſon or perſon ſo deſiring ſuch examination, may cauſe, or procure a Bill or Complaint to be drawn, and fairly ingroſſed, and Pledges found to it according to the Law, and ſubſcribed by ſuch a Counſell learned in the Law, as is mentioned in other Propoſalls herein mentioned, and a copy thereof delivered to him or them, againſt whom ſuch perſon or perſons ſo ſhall deſire ſuch Examination,

Examination, may cauſe, or procure a Bill or Complaint to be drawn, and fairly ingroſſed, and pledges found to it, according to the law, and ſubſcribed by ſuch a Councell learned in the Law, as is mentioned in other Propoſall herein mentioned, and a copy thereof delivered to him or them againſt whom ſuch perſon or perſons ſo ſhall deſire ſuch examination; or left at each of his, or their dwelling houſe in ſuch manner and form as is mentioned in ſuch other Propoſals, with a note of his, or their requeſt of the anſwer of ſuch defendant, or defendants to ſuch Bill, and deſire or intention to examine the witneſſes aforeſaid, & a note of the names of ſuch witneſſes, & of ſix gentle men of good quality, honeſty, underſtanding & learning, whom he deſireth, and intendeth to be his Commiſſioners to examine ſuch witneſſes, and of the place in particular where he hath left, or ſhall leave ſuch Bill or Complaint, and a note of the names, and leave ſuch Bill ingroſſed with a note of ſuch names, with the next Juſtice of the Peace inhabiting neareſt to ſuch defendant or defendants, or the major part of them, or at ſuch habitation of ſuch Juſtice. And that ſuch defendant or defendants ſhall within, put in his, or their anſwer then next following to ſuch bill or anſwer ingroſſed, as is mentioned in the Propoſills formerly publiſhed, upon his Oath before ſuch Juſtice, and he be impowered, & compelled to take the ſame, and there except againſt, if he or they will againſt the one half of ſuch Commiſſioners, and name for him or them, others of ſuch as were ſo named by ſuch complaint, or complainants, and ſo many, & leave a note thereof with ſuch Juſtice for ſuch Complainant or Complainants to view, and ſee, and except againſt the one half thereof. And that a Commiſſion ſhall, and may be made, and granted by ſuch Juſtice to thoſe not excepted againſt, to examine ſuch witneſſes, and that ſuch Commiſſioners, after ſuch Commiſſion executed, ſhall return the ſame Commiſſion and depoſition thereupon taken, with the interrogatories, and ſo into the high Court of Chancbery, or to ſuch Juſtice; and if to ſuch Juſtice, that then he ſhall ſend the ſame with ſuch Bill and Notes left, or to be left by ſuch Complainant or Complainants; and ſuch anſwer and note ſo left, or to be left, or to be left by ſuch Defendant or Defendants, (If he or they doe, or ſhall bring to, or leave any with ſuch Juſtice) and that the ſame ſhall be ſo ſent, and delivered into the ſaid Court of Chancery, both by ſuch Commiſſioners or by ſuch Juſtice as is mentioned in the former Propoſalls; And that the proper draught of ſuch depoſitions ſhall be returned and delivered out as before is mentioned in the ſaid Propoſall, if ſuch complainant, or complainants ſhall pray the ſame, and not otherwiſe; And that ſuch Juſtice ſhall make, or cauſe ſuch Commiſſion to be made to ſuch Commiſſioners in the names of the *Keepers of the Liberty of England, &c.* for examination of ſuch witneſſes, according to the matter, and uſuall form for examination mentioned in writs of Commiſſion uſually of courſe iſſuing out of the High Court of Chancery, with a precept, or direction in the ſame, that they ſhall return the ſame, with the depoſitions thereupon taken, or to be taken, and the interrogatories upon which they ſhall examine ſuch witneſſes, unto the ſaid Juſtice, or ſend the ſame into the ſaid Court of Chancery, imediately after execution of the ſaid Commiſſion; and that

the

the ſame ſhall be there received, and kept in ſuch manner and form as is mentioned in the before recited Propoſalls, and ſtand, and be as valid and ſufficient to all intents and purpoſes, as any depoſitions taken by vertue of any Commiſſion iſſuing out of the ſaid Court of Chancery, if ſuch defendants did, or ſhall anſwer as aforeſaid, and if not then alſo, till after ſuch defendant have anſwered, or did, or ſhall anſwer to ſuch Bill or Complaint, and ſuch witneſſes living, and of perfect ſenſe and memory, and in *England* eaſie to be found, by ſuch complainant or complainants, and untill ſuch complainant or complainants after ſuch Defendant or Defendants have joyned in Commiſſion in the ſaid Court of Chancery, with the ſaid complainant or complainants ſo examined of the ſaid witneſſes again, have had ſufficient and convenient time, *viz.* by ſpace of ——— next after ſuch joyning in Commiſſion.

And that ſuch Commiſſion ſhall be fairly written in parchment, and the ſaid Depoſitions written in manner and form as is mentioned in the ſaid Propoſalls.

II. *An Abatement of the Motions and Orders, &c.*

FOraſmuch as in Antient times when the maſter Clerks of the Chancery (being in thoſe Ages very learned in the Lawes of this Nation) did contrive all manner of ſpeciall Writs then called maſter Writs very pithily, and well, ſeldome committing any errour or miſtake in any of them. And whereas alſo the antient *Serjeants* at the Law in ſuch times did contrive and draw all ſpeciall pleadings in like manner, and then were all ſuits ſpeedily, and with ſo little Charge or trouble ended, as the people of this Nation did finde and perceive that they had full ſpeedy, and equall Juſtice done unto them, and did ſit down in quiet without multiplying ſuit upon ſuit, and turmoile themſelves in trouble and diſcontent many years together, as hath been too often uſed by very many of late, ſince ſuch maſter Clerks and *Serjeants* have been imployed about other buſineſſes (that is to ſay) ſuch maſter Clerks about References, Reports and Accounts, bringing them in much greater benefit. And ſuch *Serjeants* altogether, or for the moſt part taken up in moving and arguing at the bars of ſeverall Courts, and pleading at tryalls at the Common Law, and hearing in the Chancery, whereby few or none can procure them to contrive any ſuch thing: And (as it is thought) few or none of ſuch maſter Clerks can tell how to contrive, or draw any thing which before by ſuch their predeceſſours were in thoſe antient times uſually done; by occaſion whereof Suiters in theſe latter times have been conſtrained to goe to Clerks or Attornies to have ſuch things contrived or drawn, whereof ſome (who have ſet themſelves forth higheſt) have been very ignorant, which many Suiters being but of weak or mean judgements or capacities could not apprehend; whereby very many miſtakes and errours have been committed and omitted in ſuch things which have cauſed many

Suits and Cauſes upon Writs and Bills at Trialls to be loſt, and no further proceedings thereupon to be; but the plaintiffs therein forced and compelled to pay coſts to the defendants in ſuch Suits, and divers Verdicts to be quaſhed and overthrown upon matter moved or ſhewed in Arreſt of Judgement; and alſo ſundry Verdicts to be reverſed and annulled by Writs of Errour all three of them many times the one after another, after the ſuiters in ſuch actions and ſuits have been at very great charge, trouble and labour, and great loſſes in the hindrance of them in their Callings and Profeſſions, and thereby many have ſpent very much, ſome as much as the very demand in queſtion, before they have, or could obtain their juſt debts and demands; and others have been ſo impoveriſhed by the means aforeſaid, that they have not been of ability further to proſecute ſuch ſuits for their Rights, but have given over, and loſt the ſame, and many inconveniences and miſchiefs, and ſuch charge and trouble, and loſſe, have happened in overthrowing, quaſhing, and delaying of divers Decrees, Sentences, and Finall orders in many Courts.

And whereas of late time, moſt perſons in poſſeſſion of Meſſuages, Lands and Tenements, and wrongfully holding out others, have had the ſame by leaſe, or ſo claimed, and ſome of them held over their terme in the ſame; and many of thoſe alſo (who have had the immediate right of poſſeſſion of ſuch Lands and Tenements) have had the right to the ſame by leaſes, whereby moſt Suits in ſuch caſe have been brought, by actions of Ejectments, framed upon Leaſes which could not be tryed by writs of Aſſize, which hath been the moſt ſpeedy remedy in this behalf, and Judgements given at the ſame Aſſizes, when and where the Verdicts have been found; and many times one of the parties to ſuch Actions of Ejectment have departed this life between the day of the Tryall, and the day in the Bench, then next following, whereby all the proceedings before mentioned have fell to the ground, and the parties, their Executors or Adminiſtrators to begin anew, and by the ſame occaſion, Writs of Aſſize be grown ſo obſolete, that few know how to proceed, as they ſhould do in the ſame, and whereby moſt cauſes (which might have been proſecuted by Writs of Aſſize) have been begun and ended upon, and by ſuch Actions of Ejectment which have occaſioned divers of ſuch inconveniencies and miſchiefs as before are expreſſed. And whereas alſo in theſe latter times more light hath appeared in all manner of learning to the ſeverall ſorts of the people of this Nation, then hath in antient times (ten being learned in theſe times to one in thoſe; moſt ordinary people then depending wholly upon the Prieſt in moſt ordinary matters) and it is hoped the people here, will more and more increaſe in learning and judgement. And therefore it is expected, and deſired by moſt, that all manner of proceedings in Law ſhould be amended, and not run into worſe and worſe order, as they have done of latter years.

And

And forasmuch as great, and most pitifull lamentations have been made to divers persons, in many places by multitudes of people (who have been turmoiled in Suits in the Court of Chancery, and other Courts, that many of them have been, and usually are put to divers unnecessary and excessive charges, by Registers and Enterers, and writers of Orders, and rules their Deputies, Clerks and Agents in such Courts; and that divers unnecessary Orders have been made in such Courts by such Registers, and others with them before mentioned, and drawn out much longer then hath been, or is necessary, and contrary to the note, or notes by them taken upon hearing, and debating of the matter touching the same, for their own onely lucre, troublesome and burthensome to such Courts and Councell there, and hurtfull to the parties in, and to such Suits; and that there hath been such multitudes of Orders in those Suits, that very many (who have prosecuted and defended the same Suits) have given long, and much attendance, before they have procured, or could procure any Entries or Copies thereof to be made, by reason (as divers such lamentations have been) of money or rewards given, or promised to such Registers, Writers or Enterers, their Deputies, Clerks, Servants or Agents to draw up such Orders, or rules stricter, or to some other sense then such Courts did truly direct and order; under colour whereof very many have complained that many honest and just Causes have miscarried, And that in the same much charge, perplexity, trouble, travell and vexation have been to resort to the Counsell in such Suites, and afterwards to repair unto, or attend with Counsell, the Chancellor, Judge or Judges (who made, or pronounced the same Rules or Orders) to have the same drawn, and entred according to the true sense thereof.

And whereas it hath been much complained of, that many others (who have not undergone such perplexity, trouble, toil, and vexation, before they have procured, or could procure such Orders or Rules to be drawn up according to the true sense of the Chancellour, Court, Judge or Judges, who made or pronounced the same) have been at great charges in giving large rewards to Registers and enterers of Orders and Rules, their Deputies or Clerks (who have agited therein:) And also whereas the like complaints and lamentations have been, that such Courts have been so full of businesse, that many Suiters could have no proceedings there without great trouble and charge; and that divers before they have had, or could have any end of their businesse, or Suites there, have spent as much, or more then that which they have sued for there, hath been in value; besides, their trouble, perplexity and vexation of minde for many years together; and divers others by such occasions have been quite, and others almost distressed, and many utterly undone; and that many others have given over, and left off good Causes for lost, and proceeded no further in the same, by reason of the extream charge and trouble, which they have

have not been able to undergo after they have been brought into, and intangled in such Courts some against their wills. And whereas a great part of those troubles and charges have been occasioned by reason of the keeping secret and hidden all precedents in most Courts (unlesse it be in the Courts formerly of the Kings Bench, and Common Pleas, and now of the Upper Bench, and Common Bench, and Publique Exchequer at Westminster) in such manner, that some Suiters upon urgent occasions have often been constrained to give to Registers, their Clerks or Agents in the Court of Chancery, and such like Courts sometimes five pounds, other times ten pounds, and other great summes of Money for choise precedents upon such occasions, or otherwise have been constrained to goe to, and retain most Counsell belonging to such Courts, and give them extraordinary large Fees for the same purpose.

It is proposed to be desired that it may

Be Enacted, That no matter in arrest or stay of any Judgment, Decree, Sentence, or Finall order shall be moved, insisted upon, or given in exception, or assigned for Error against, in, or concerning any Plaint, Bill, Declaration, Information, Libell or Complaint, Presentment or Indictment, Plea, Allegation, Replication, Rejoynder, Surrejoinder, Rebutter or Surrebutter, unlesse such matter be, or shall before shewed and delivered in writing to the party or parties, his, her, or their Attorney in the Cause, wherein such matter be, or shall be intended to be moved in arrest or stay of Judgement, or any thing therewith before mentioned, or assigned for Errour, in which the matter of Errour, or mistake is, or shall be, (that is to say) what may, or should be added to, or detracted from, or supplyed by further instructions in any such Bill, or other proceedings therewith before mentioned, or continuance or return of Writs, or processe thereof, or entering up of Judgement, or any other thing therewith before mentioned, thereupon as certain as if the same matter or mistake were, shall, or should be amended, such Bill, Plaint, Declaration or proceedings before mentioned were, or shall be good and sufficient in the Law; So that a true Copy, or true Copies of every of the same writings wherein such matter or mistake is, or shall be delivered to, or left for such party or parties, his, her, or their Attorney in such Cause at his, her, or their dwelling house or houses, or most usuall place or places of abode by the space of two dayes next after issue, or demurrer be, or shall be joyned, or judgement acknowledged, suffered or pronounced, or within six dayes next before such Decree, Sentence, or Finall order be, or shall be given, or to be given, decreed, or sentenced in, or concerning the same Cause, Action, or Suit, in which such processe or proceedings be, or shall be.

And that within three dayes after the delivery of such Copy or Copies, the party or parties against whom such matter be, or shall be intended so to be moved or assigned for Errour (paying unto the other party,

party, his, her, or their Counsell, Clerk, or Attorney in the same Suit or Cause, who doe, or shall finde such Errour or mistake, and deliver such Copy or Copies in writing of the same, three shillings for the first, and one shilling for every of the residue of those Errours or mistakes, may amend the same: And that that party and parties by, or for whom such Copy or Copies be, or shall be so delivered within foure dayes next after he, she, or they shall have notice of the amendment, according to such writing or writings, which be, or shall be so delivered, shall again Answer, Plead, Demur, put in Allegation, Reply, Rejoyn, Surrejoyn, Rebut, or Surrebut, as the Declaration, Bill, Plaint, or other things therewith before mentioned, doe or shall require, unlesse such new matter doe, or shall arise, and appear upon such amendment, that the Attorney of such party or parties neither can, nor according to the course of Law ought to Answer, Plead, or to doe any other thing as before therewith is mentioned without further instruction, and then within eight dayes onely for every forty miles distance of the habitation, or abode of the party or parties, so again to answer, (when he shall be first summoned, attached, arrested, or warned to appear, or answer, reply, or to doe any other thing before therewith mentioned, to any Bill, Replication, or any other thing before therewith mentioned) from the place or Court where such prosecution be, or shall be. And that every one making default in any of the premisses shall, or may be taken, or proceeded against for saying nothing, or for not answering, pleading, replying, or not performing any other thing therewith before mentioned, as hath been used in other cases wherein defaults have been suffered.

And that any who doe, or shall finde such errour or errours, mistake or mistakes, shall have such money so to be paid, to and for his and their own benefit and advantage: And that he or they so committing, omitting, or suffering the same, shall pay the same money so for amendment to be paid out of his, or their own moneys respectively, according to the number of errour or errours, mistake or mistakes, as each of them doe, or shall so omit, commit, or suffer.

And that after a Verdict, or Non-suit in any Action, Cause, or Suit, wherein such amendment be, or shall be, and Witnesses Examined, Recorded and Certified, according to the Propositions formerly published in that behalf, Judgement may, and shall be given according to such Verdict, or Non-suit the next day in Bancke after such Verdict, or Non-suit, as of the day of giving such Verdict, or suffering such Non-suite, notwithstanding the intervening of the death of any of the parties in, or to such Action, Cause, or Suit.

And that no motion or petition shall be made, moved, or presented in, to, or to any Chancellour, Court, Judge or Judges in, or concerning any Suit or Cause there depending, but that first the matter to be

be moved, or mentioned in such Petition, shall be put into writing, and a copy or note thereof delivered to the party complainant, Plaintiffe or Demandant, Defendant or Tenant, against, or concerning whom such motion or Petition be, or shall be made, moved, preferred or delivered, or to his, or her Clerk, Attorney, or Solicitor in such Cause or Suit, or left at his, her, or their, or one of their dwelling house or houses, or place or places of abode under the hand of a Counsell learned in the Law.

And also that within two dayes, or some other convenient time, next after the delivery of such note or writing as aforesaid, such Party, Complainant, Plaintiff or Demandant, Defendant, Defendants or Tenant, his, or her Clerk, Attorny, or Solicitor in such Action, Cause, or Suit (to whom such note or writing be, or shall be so delivered) shall give, or deliver to, or leave as aforesaid, for the other party Complainant, Plaintiff or Demandant, or Defendant or Tenant (to whom, for whom, or on whose behalf such note or writing be, or shall be so given, delivered or left) or to his, or her Clerk, Attorny, or Soliciter an answer in writing to such first note or writing, or leave the same in writing at his, their, or one of their dwelling house or houses, or usually place or places of abode, and that each party may reply, and the other rejoyn, &c. the one party of them after the other party of them, in, or by some short convenient time in writing to be delivered, or left as aforesaid till the doubt of the matter be, or shall be agreed upon, and put to the question, or stated; as or in the nature of a Case.

And that if either such party Complainant, Plaintiff or Demandant, Defendant or Tenant, doe not consent the one part of them to the demand or request of the other of them, that then each party of them, who doth, or shall so petition, or move, (shewing or expressing to the other of them, some reason in such writing, or note respectively; for what cause, or reason by, or according to the former precedents or orders it hath been, and was requisite and necessary that such the request of him, or her, who doth, or shall so petition, or move, ought, or should be granted) that then, and not before, either of such parties may petition to such Chancellour, Judge or Judges, or to, or in such Court for his, or her demand, in such his, or her writing, or note to be granted, and shew forth such notes or writings on either side to be read, viewed, and considered in such Court.

And further, that if the demand or request of such motion or petition, shall be granted or ordered against such party Complainant, Plaintiff or Demandant, or Defendant or Tenant, against whom such petition, motion, or demand is, or shall be made, (notwithstanding any thing to the contrary thereof to be alledged, or expressed in his, or her writing so to be delivered, or left) that then he or she for not consenting to such petition, motion, or demand, or for putting into such note or writing any vain or frivolous matter not materiall against such

such request or demand shall be compelled to pay to the other of them the ordinary Costs, Charges, and expences of the other of the said parties which he or she, or they shall lay out, or expend, and shall make Affidavit before some Judge of the Court, where the same Action, Cause or Suit, is or shall be depending, if such motion or petition be not, nor shall be granted upon some matter, for which there neither was, nor shall be any former Order, or leading Precedent in such case.

And that such party (against whom such Petition or Demand be, or shall be granted, or ordered as aforesaid, or shall consent to the demand of such petition or motion of either of such parties Complainant, Plaintiff or Demandant, or Defendant or Tenant) be compelled to perform the same Petition, Order, Demand or Request which shall be so granted, ordered, or consented unto without further charge or trouble, under pain and penalty, that for not performing the same, he, she, or they refusing, or failing in performance of the same shall forfeit, lose, and pay to every person to be grieved or damnified thereby four times the value of such value to be recovered, as is mentioned in other Proposalls.

And further to prevent excessive charges and troubles occasioned by Registers and Drawers, Enterers, and Writers of Orders and Rules, and their Clarks, Deputies and Agents, that such Registers, Drawers, Enterers, Clerks, Deputies and Agents shall, in, and to such note or writing, write what such Chancellour, Court, Judge or Judges doe or shall order, or adjudge of, and concerning the same, and no more without rehearsing, or reciting any of the matters or contents of any such notes or writings, and after that any of such parties, or any, or either of them (within convenient time) shall set, or cause to be set down in writing, under his, or her Counsells hand, and deliver to such Register, or any of the parties before with him mentioned respectively, exceptions against any part of the writing down of such Order, and not otherwise such Register, or such with him before mentioned shall attend such Chancellour, Court, Judge or Judges who shall make such Order or Orders, and to alter or amend the same, according as such Chancellour, Court, Judge or Judges doe, or shall signe, or write to the same, and after to enter so much onely in a book as such Register or Registers, Enterer or Enterers of Orders, his, or their Deputy, Clerk or Agent shall write, and such Chancellour, Court, Judge or Judges so signe (if any need of such signing be) in, or to such writing or writings, with the parties names, and the day when such Motion or Petition was granted, and to keep safe in an alphabeticall manner, such notes or writings, together with the subscription or writing one such note or writing of such Register, or any of such persons before with him mentioned, signed by such Chancellour, Judge or Judges, for further satisfaction of such Court, or either, or any the parties, Suiters there, and concerned therein, if need should require: and that Regi-

 sters,

sters, and such others before with them mentioned, may onely take a competent gain for drawing, and copying of Orders and Rules (according to rates usually taken by Clerks for drawing, entering, and copying, wherein they have taken as much, or more pains then they in drawing, entering, or copying of such Orders or Rules) upon, and under pain and penalty that every such Register, or other party before with him mentioned, transgressing in the premisses, or taking more then before mentioned, shall forfeit, lose, and pay to every party grieved or damnified, or to be grieved or damnified in the premises for every offence and default concerning the premises, forty pounds of lawfull English money to be recovered, as before is mentioned.

And that for the ease and quiet of all Courts and people that all Registers, and such other persons before with them mentioned (who have, or can come by any choice Presidents or Orders of divers natures made in several Causes of sundry natures upon solid, and mature deliberation) be desired, or required that every one of them may, and will produce, and bring in as many of them in particular, as he in particular doe, or shall know where to find, or come by to be entred together, and that a method may be kept for the ready, and easie finding of the same to be viewed by any; or that the same may be collected together, and published in such a method in print, for the purpose aforesaid, that people may not remain hood-winked and blinded of the proceedings and Causes of making Decrees and Orders in the Courts of Chancery, and such like Courts as they have been, but that they may be informed and advised in, and of the same, as well as they have been in other Courts: And that such Orders or Rules (as hereafter shall be made upon solid, and mature deliberation as aforesaid) may be brought into such Courts, and so entered, or published as aforesaid.

And that if any of such Registers, or any other before with them mentioned, doe, or shall draw up any Order or Rule contrary to the notes taken by any of them in any Court upon the matter moved, or argued, or to be moved or argued, whereupon such Order or Rule shall be made, and the same be also contrary to that which shall be pronounced in such Court, and such Chancellor, Judge and Judges (who pronounced the same) or the major part of them neither do, nor shall justifie and maintain that which such Register or other party before with him mentioned shall so draw (though it be contrary to such note or notes, taken, or to be taken) that then every such Register and party before with him mentioned, shall for every time he doe, or shall so draw, contrary to such note or notes, forfeit, and lose, and pay to every party to be grieved or damnified thereby a 100 marks of lawfull English money to be recovered as aforesaid.

III. *For sending appearance upon serving Writ or Warrant in Chancery, or to have Decree within a short time for default.*

Whereas divers stubborn, perverse, froward, and unconscionable people, after they have been served with Writs under paine, or Warrants to appear in the Chancery, and other Courts; and there to answer to Bils exhibited against them, have stood out Attachments, Proclamations, and Commissions of Rebellion, and processe to Serjeants at Armes for many years, before they have appeared, or would appear; whereby many honest people of this Nation have been defrauded of vast summes of money by chargeable Motions and Orders, and otherwise.

It is proposed to be desired, that for remedy thereof, it may

Be Enacted, That if any person or persons hereafter, being served with a Writ or Warrant, commanding him or her to appear in any such Court, and shall not appear, but stand out an Attachment, or other processe, then when he or she shall be Arrested or Attached thereupon, he or she shall be kept in prison, or safe custody, untill sufficient Sureties be, or shall be put in, to and for the use of the Complainant in such Suit, not onely for his or her appearance there, but that he or she shall perform the Order of such Court to be made upon the hearing of the Cause in such Court.

And that if such person or persons so served, or warned to appear; and shall not appear within two months next after such warning, or service; and the same be proved by the Oath or Affidavit of two honest Witnesses, and of good ability in Estate, then may such Court put the Complainant or Complainants in such Suit to make proof of so much as he, she, or they can, and after to proceed thereupon to hearing, as if such defendant had confessed the residue thereof; and to pronounce a decretall Order, and award Execution thereupon: if the Complainant or Complainants in such Suit doe, and shall find, and put into such Court, good, able, and sufficient Sureties to make restitution of that which such Defendant doe, or shall lose, or have taken from him, or her, by vertue of such Execution; if after his or her appearance, and answer sufficient, and examination of Witnesses in such Court, it shall be there so considered of, pronounced, or adjudged.

IV. *That a Conusee or Plaintif in a Judgement or Statute (if he will) may make his Entry and Claim, and then bring an Ejectment, or reall Action, as the Cause shall require; which he is driven to also, a great charge and trouble about Executions served concerning the same.*

Whereas divers honest people of this Nation have been put to great expences and charges, and put to much delay about Executions of writs of choise and extents, and speciall writs upon Outlaries against Lands and Tenements: And yet after such expences and delayes and Executions done, or could the plaintifs or Conusees in such Writs have possession of such Lands or Tenements, till they have, or shall prove their Title thereunto upon an Action of Ejectment (if a plea be pleaded thereunto;) And the Tenant in possession thereof thereby evicted: And after such Plaintifs and Conusees have been outed, the same by dormant precedent Titles and Charges, (which they neither have, nor could come to the knowledge of, till they have been brought upon such Lands and Tenements:) And divers others have had their inquisitions upon such, avoided by Writs (of hearing complaints) by reason they have not found their Inquisitions of all the Lands and Tenements (which were of the Defendants or Conusors in such Writs at the time of the entring into the Judgements and Statutes, upon which such Writs have issued and after) many times some small parcels thereof have been omitted by reason they have been obscure and dormant as aforesaid, till such Writs of (hearing complaints) brought.

For remedy whereof, it is proposed to be desired, that it may

Be Enacted, That any plaintif or plaintifs (who hath, or have, or hereafter shall have a Judgment, Statute, or Outlary against any defendant, and shall be advised by Counsell, or finde that he, she, or they can have no further intelligence by inquest, upon Writ, or Writs of Elegit or Extent, then they shall know before) may make his, her, or their Entry and Claim upon, and unto all, and every parcell and parcells of Lands, Tenements, or Hereditaments, Annuities, or Rents, in all every, or any mans possession, or wherein such defendant was then seised of any Estate, or had any Estate, Title, Interest, or terme of years, which were of such defendant, the time of such Judgement entred, or such Statute acknowledged, or such Outlary promulgated, or after: And that such entry shall be as sufficient for such plaintif or plaintifs, as if any Elegit, Extent, speciall Writ of Outlary, and liberate thereupon, were thereupon executed, returned, and filed.

And that upon such entry and claim such plaintif or plaintifs shall, and may be intituled as, or in the nature of Free-hold of, and in such Lands, Tenements, Annuities, and Rents, and prosecute for recovery of,

of, and have, and take the poſſeſſion, Rents, Iſſues, and profits thereof, in as ample and beneficiall manner and forme, as in, of, and concerning other Lands and Tenements, (that is to ſay) by vertue of ſuch Writs of Choice or Extent, untill ſuch plaintif or plaintifs be, or ſhall be fully ſatisfied of the debts or duties in ſuch Writs, and by ſuch Writs of ſpeciall Outlary, untill ſuch ſatisfaction, reverſall, or pardon of ſuch Outlary, and ſufficient Bail, mainpriſe, Sureties, or Manucaptors found, and put in the Court into which ſuch Outlary be, or ſhall be returned for ſatisfaction of ſuch debt or duty, if it be, or ſhall be recovered upon a new Action to be brought for the ſame cauſe upon, or for which, ſuch Outlary was, or ſhall be pronounced.

And that by reaſon of any ſuch Writ (of hearing Complaint) no perſon or perſons ſhall be removed from, or hindred of the poſſeſſion of any ſuch Lands, Tenements, Rents, or Annuities ſo extended, or to be extended other then of ſo much onely as the plaintif or plaintifs in ſuch Writ (of hearing complaint) do or ſhall make appear upon Tryall, that the value of the Lands, Tenements, or Annuities ſo omitted, to be extended, be, or ſhall be compelled to make reſtitution to the plaintif or complainant in ſuch Writ (of hearing complaint) of the profits received, or to be received of ſuch Lands, Tenements, Rents, or Annuities for the time that ſuch perſon or perſons ſo extending, entred, or ſhall enter upon the ſame, untill their time of the leaving the poſſeſſion thereof, onely for ſo much as the value of ſuch omiſſion, during the ſame time, be or ſhall be.

And that then ſuch Conuſor or Conuſors, Plaintif or Plaintifs in ſuch Judgements or Extents, may extend ſuch omiſſions, every of them, as they be, or ſhall be ſo brought to light, the one of them after the other of them.

THE END